REMARKS

This application was examined with claims 1 through 16. No claims have been allowed. Claims 1, 2, 5, 6, 10 and 14 are amended. Claims 1 through 16 remain in the case.

Applicant requests reconsideration and reexamination of the above-identified application in view of the amendments made to the specification and claims. The following remarks state Applicant's bases for making this request and are organized according to the Examiner's Action by paragraph number.

Examiner's Action, Paragraph 1-3

Applicant acknowledges that claims 1-16 stand rejected, that the amendment filed on May 8, 2007 has been entered and that the Terminal Disclaimer filed on March 23, 2007 has been entered.

Examiner's Action, Paragraph 4

The Examiner objects to claim 1 because there is an incorrect numbering of a subparagraph. Applicant has corrected that typographical error.

Examiner's Action, Paragraphs 5 and 6

The Examiner rejects claims 1-8 because the preamble recites both a method and apparatus and because claims 1 and 5 recite two statutory categories. Applicant is amending claims 1 and 5 to clarify any confusion that may have existed. These amendments should make it clear that claims 1 through 8 are directed to a method and not to both a method and apparatus.

Examiner's Action, Paragraphs 7 and 8

The Examiner rejects claims 1, 2, 5, 6, 9, 10, 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 6,363,385 to Kedem et al. (hereinafter the "Kedem patent"). In summary the Examiner argues that the Kedem patent discloses a data processing system with a method including steps of

establishing, making source and destination logical devices available and initiating a copy operation.

Applicants respectfully traverse this rejection.

Each of independent claims 1, 5, 9 and 13 defines the invention in terms of varying scope and application. That is, independent claims 1 and 5 define the invention with method claims. Claims 9 and 13 define the invention with apparatus claims. As the distinguishing features are common to all the claims, Applicant believes that the following discussion responds to all the rejections of claims 1, 2, 5, 6, 9, 10 13, 14.

While certain of the language in each of the claims could be construed to read on portions of the disclosure in the Kedem patent. Applicants respectfully submit that other language in each claim define features that are not disclosed by the Kedem patent and that each of claims 1, 2, 5, 6, 9, 10 13, 14 would not have been obvious at the time Applicants' invention was made to a person of ordinary skill in the art.

With respect to claim 1, the Examiner identifies certain correlations between elements of claim 1 and the Kedem patent, but omits any correlation of the data structure in the Kedem patent and the claimed data structure. It is the claimed data structure that solved problems that arose during the unsuccessful attempt to apply the apparatus and method of the Kedem patent to open systems. Specifically, these are the operation data element, such as the OP element 74 in FIG. 3 and the operation status element 75. In addition, Kedem discloses no "second command" as that phrase should be interpreted in Applicants' claims. As described in the specification, the first command establishes an environment; the second command initiates the copying operation. There is no "testing" of the operation data element and the operation status element in the Kedem patent. Finally, there is no "updating" of the operation status element, thereby enabling the completion of a next operating phase. Generally speaking, Applicants' claims define

two elements in a data structure that provide a basis for
enabling different phases of the operation to occur at the
proper time and in the proper order. No such elements are
shown or suggested by the Kedem patent because there was no
such control requirement in the Kedem patent.

Each of claims 2, 6, 10 and 14 define a method or
apparatus that the operating environment is deleted when the
operating data element and status element indicate that the
deletion of the operating environment can occur. The Kedem
patent neither discloses nor suggests this method or structure.

Examiner's Action, Paragraph 9

The Examiner rejects claim 3, 4, 7, 8, 11, 12, 15 and 16
under 35 U.S.C. §103(a) as being unpatentable over the Kedem
patent in view of U.S. Patent No. 6,757,797 to Kaiya et al.
(hereinafter the "Kaiya patent").

Applicants respectfully traverse this rejection.

Both the Kedem et al. and Kaiya et al. patents have been
discussed in the prior responses. For brevity Applicants will
not discuss those references again. Suffice it to say, the
Kedem et al. patent fails to disclose the use of the claimed
invention in an open system, a data structure with operation
data and operation status elements, and the use of first and
second independent commands to produce a first establishment
phase and a second copying phase in a copy operation.
Applicants further submit that the Kaiya et al. patent does not
disclose these particular features. Consequently Applicants
respectfully submit that the Examiner's combination of the
Kedem et al. and Kaiya et al. patents, even if appropriate,
does not disclose the fundamental features of each claim.

Summary

In view of the clarifying amendments to the claims Applicants
respectfully submit that the claims define a patentable
invention and submit that each of claims 1 through 16 taken as

a whole, should be allowed. Consequently Applicants respectfully request the Examiner to review the rejections and arguments made herein and allow claims 1 through 16.

If there are any questions, we urge the Examiner to call us collect.

Respectfully Submitted,

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